

House File 45 - Reprinted

HOUSE FILE 45
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 1)

(As Amended and Passed by the House January 19, 2011)

A BILL FOR

1 An Act relating to public funding and regulatory matters and
2 making, reducing, and transferring appropriations and
3 revising fund amounts and including effective, retroactive,
4 and other applicability date provisions, and making
5 penalties applicable.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I
TAX RELIEF FUND

Section 1. Section 8.55, subsection 2, Code 2011, is amended to read as follows:

2. a. The maximum balance of the fund is the amount equal to two and one-half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be transferred to the ~~general~~ tax relief fund.

b. Notwithstanding paragraph "a", any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of each fiscal year shall not be transferred to the ~~general~~ tax relief fund ~~of the state~~ but shall be transferred to the senior living trust fund. The total amount appropriated, reverted, or transferred, in the aggregate, under this paragraph, section 8.57, subsection 2, and any other law providing for an appropriation or reversion or transfer of an appropriation to the credit of the senior living trust fund, for all fiscal years beginning on or after July 1, 2004, shall not exceed the amount specified in section 8.57, subsection 2, paragraph "c".

Sec. 2. NEW SECTION. 8.57E Tax relief fund.

1. The tax relief fund is created. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. The moneys credited to the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section.

2. Moneys in the tax relief fund shall only be used as pursuant to appropriations made by the general assembly to reduce taxes.

3. a. Moneys in the fund may be used for cash flow purposes

1 during a fiscal year provided that any moneys so allocated are
2 returned to the fund by the end of that fiscal year.

3 **b.** Except as provided in section 8.58, the tax relief fund
4 shall be considered a special account for the purposes of
5 section 8.53 in determining the cash position of the general
6 fund of the state for the payment of state obligations.

7 4. Notwithstanding section 12C.7, subsection 2, interest
8 or earnings on moneys deposited in the tax relief fund shall
9 be credited to the fund.

10 Sec. 3. Section 8.58, Code 2011, is amended to read as
11 follows:

12 **8.58 Exemption from automatic application.**

13 1. To the extent that moneys appropriated under section
14 8.57 do not result in moneys being credited to the general
15 fund under section 8.55, subsection 2, moneys appropriated
16 under section 8.57 and moneys contained in the cash reserve
17 fund, rebuild Iowa infrastructure fund, environment first
18 fund, ~~and Iowa economic emergency fund,~~ and tax relief fund
19 shall not be considered in the application of any formula,
20 index, or other statutory triggering mechanism which would
21 affect appropriations, payments, or taxation rates, contrary
22 provisions of the Code notwithstanding.

23 2. To the extent that moneys appropriated under section
24 8.57 do not result in moneys being credited to the general fund
25 under section 8.55, subsection 2, moneys appropriated under
26 section 8.57 and moneys contained in the cash reserve fund,
27 rebuild Iowa infrastructure fund, environment first fund, ~~and~~
28 Iowa economic emergency fund, and tax relief fund shall not be
29 considered by an arbitrator or in negotiations under chapter
30 20.

31 Sec. 4. TAX RELIEF FUND — LEGISLATIVE INTENT. It is the
32 intent of the general assembly to enact appropriations from the
33 tax relief fund created by this division of this Act pursuant
34 to tax relief legislation which shall be proposed by the
35 standing committees on ways and means of the senate and house

1 of representatives.

2 Sec. 5. EFFECTIVE DATE AND APPLICABILITY.

3 1. This division of this Act, being deemed of immediate
4 importance, takes effect upon enactment.

5 2. The amendment in this division to section 8.55, providing
6 for transfer of moneys from the Iowa economic emergency fund
7 to the tax relief fund instead of the general fund of the state
8 applies to transfers made from the Iowa economic emergency fund
9 after the effective date of this division and the state general
10 fund expenditure limitation calculated for the fiscal year
11 beginning July 1, 2011, shall be adjusted accordingly.

12 DIVISION II

13 UNIFORM PROVISIONS

14 Sec. 6. GROUP HEALTH INSURANCE PREMIUM COSTS FOR STATE
15 EMPLOYEES.

16 1. The state's executive and judicial branch authorities
17 responsible for negotiating the collective bargaining
18 agreements entered into under chapter 20 shall engage in
19 discussions with the applicable state employee organizations
20 to renegotiate provisions involving health insurance coverage
21 of state employees and their families in order to achieve cost
22 savings for the state. The discussions shall include but
23 are not limited to a requirement for a state employee who is
24 covered by a collective bargaining agreement and is a member of
25 state group health insurance plan for employees of the state
26 established under chapter 509A to pay at least one hundred
27 dollars per month of the total premium for such health plan
28 coverage for single persons or increase the amount paid per
29 month for family coverage by the same amount that would be paid
30 for the single persons coverage.

31 2. If collective bargaining agreements are renegotiated
32 to achieve cost savings pursuant to subsection 1, the cost
33 savings provisions shall also apply to state employees who are
34 not covered by collective bargaining as provided in chapter
35 20 and are members of a state group health insurance plan for

1 employees of the state established under chapter 509A.

2 3. Beginning on the effective date of this section or
3 March 1, 2011, whichever is earlier, a state legislator or
4 legislative staff member who is a member of a state group
5 health insurance plan for employees of the state established
6 under chapter 509A shall pay at least one hundred dollars per
7 month of the total premium for such health care coverage for
8 single persons or increase the amount paid per month for family
9 coverage by the same amount that would be paid for the single
10 persons coverage. The payment amount shall be determined
11 by the legislative council, subject to the minimum amount
12 specified in this subsection.

13 Sec. 7. STATE AGENCY OFFICE SUPPLIES, OUTSIDE SERVICES
14 PURCHASE, EQUIPMENT PURCHASES, PRINTING AND BINDING,
15 INFORMATION TECHNOLOGY, AND MARKETING.

16 1. For the purposes of this section, "department" means the
17 same as defined in section 8.2.

18 2. a. For the period beginning on the effective date of
19 this section through the close of the fiscal year ending on
20 June 30, 2011, each state department shall be subject to a
21 limitation on expenditures made on or after the effective date
22 of this section for office supplies, outside services purchase,
23 purchases of equipment, office equipment, and equipment
24 noninventory, printing and binding, information technology, and
25 marketing in accordance with this section.

26 b. The limitation shall be equal to 50 percent of the
27 unexpended or unencumbered amount that a department has
28 budgeted or otherwise designated for purposes of office
29 supplies, outside services purchase, purchases of equipment,
30 office equipment, and equipment noninventory, printing and
31 binding, information technology, and marketing from the
32 appropriations made from all sources for the fiscal year
33 beginning July 1, 2010, and ending June 30, 2011, to the
34 department from all sources, as of the effective date of this
35 section.

1 c. If another provision of this Act directs a department
2 to apply a limitation on expenditures made for information
3 technology or reduces the information technology portion of
4 an appropriation made to the department, such limitation or
5 reduction shall be in lieu of the limitation on expenditures
6 for information technology otherwise applicable under
7 this subsection. The limitation on information technology
8 expenditures otherwise required by this subsection does not
9 apply to services provided by the public broadcasting division
10 of the department of education or such expenditures for
11 information technology previously approved for the division.

12 3. For the period beginning on the effective date of this
13 section through the close of the fiscal year ending on June 30,
14 2011, out-of-state travel by an employee of a department, which
15 travel is funded in whole or in part by an appropriation from
16 the general fund of the state, shall not be authorized unless
17 a waiver for the travel is approved by the executive council.
18 The executive council shall adopt waiver criteria based on the
19 relative importance of the travel to fulfilling statutorily
20 required duties, the potential for the travel to bring cost
21 savings or enhanced revenues for the state, and other means
22 to determine whether the benefit or potential benefit of the
23 travel significantly outweighs the potential cost.

24 4. The committees on appropriations of the senate and
25 house of representatives shall recommend legislation applying
26 a directive for the executive branch to implement a master
27 marketing contract for state agencies that commences on or
28 before July 1, 2011.

29 5. The reductions in appropriations made in another
30 division of this Act, by amendment to 2010 Iowa Acts, chapter
31 1183, section 10, applicable to the state board of regents
32 and institutions under the state board, are in lieu of the
33 limitations on expenditures and travel that would otherwise be
34 applied to the state board and the institutions under the state
35 board pursuant to this section.

1 6. The appropriations to which the expenditure reductions
2 required by this section are attributed shall be reduced by the
3 amount of the expenditure reductions. Within 30 days of the
4 enactment date of this section, the department of management
5 shall apply such appropriation reductions and shall submit a
6 report to the general assembly and legislative services agency
7 itemizing the expenditure and appropriation reductions applied.

8 Sec. 8. STATE RECORDS STORAGE. The agencies of state
9 government that have state records stored in locations within
10 a floodplain shall, within six months of the effective date
11 of this Act, find storage space for the records that is not
12 located within a floodplain. For the purposes of this section,
13 "floodplain" means the same as one hundred year floodplain, as
14 defined in section 459.102.

15 Sec. 9. REVENUE ESTIMATING CONFERENCE MEETING. Upon the
16 request of the speaker of the house of representatives or
17 the majority leader of the senate, the revenue estimating
18 conference shall meet on a date in February or March 2011, as
19 specified in the request. At this meeting, in addition to the
20 estimates normally agreed to at the meetings of the conference,
21 the conference shall also agree on estimates for fiscal year
22 2012-2013.

23 Sec. 10. Section 7E.3, Code 2011, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 5. *Adult unauthorized aliens.* Unless
26 expressly authorized by federal or state law, ensure that the
27 public benefits administered by the department or independent
28 agency are not provided to adults who are unauthorized aliens
29 not lawfully present in the United States.

30 Sec. 11. NEW SECTION. 8A.440 **Group health insurance premium**
31 **costs.**

32 1. Collective bargaining agreements entered into pursuant
33 to chapter 20 for state employees shall provide that a state
34 employee covered by that agreement who is a member of a
35 state group health insurance plan for employees of the state

1 established under chapter 509A shall pay at least one hundred
2 dollars per month of the total premium for such insurance for
3 single persons or increase the amount paid per month for family
4 coverage by the same amount that would be paid for the single
5 persons coverage.

6 2. A state employee not covered by a collective bargaining
7 agreement as provided in chapter 20 who is a member of a
8 state group health insurance plan for employees of the state
9 established under chapter 509A shall pay the same amount per
10 month of the total premium for such insurance as is paid under
11 the collective bargaining agreement that covers the greatest
12 number of state employees in the state government entity
13 employing the state employee.

14 Sec. 12. Section 68B.8, Code 2011, is amended by adding the
15 following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. A state agency of the executive
17 branch of state government shall not employ a person through
18 the use of its public funds whose position with the agency is
19 primarily representing the agency relative to the passage,
20 defeat, approval, or modification of legislation that is being
21 considered by the general assembly.

22 Sec. 13. APPLICABILITY. The provision of this division
23 of this Act enacting section 8A.440, applies to collective
24 bargaining agreements entered into on or after the effective
25 date of this division of this Act.

26 Sec. 14. EFFECTIVE UPON ENACTMENT. This division of this
27 Act, being deemed of immediate importance, takes effect upon
28 enactment.

29 DIVISION III

30 ADMINISTRATION AND REGULATION

31 Sec. 15. JOINT APPROPRIATIONS SUBCOMMITTEE ON
32 ADMINISTRATION AND REGULATION REQUIREMENTS. The joint
33 appropriations subcommittee on administration and regulation
34 shall develop and, on or before April 4, 2011, shall submit
35 recommended implementation provisions to the general assembly's

1 committees on appropriations in proposed legislation concerning
2 all of the following:

3 1. Eliminating and selling the pool of state-owned
4 passenger vehicles located in Polk county for temporary
5 assignment to multiple drivers of a department or agency that
6 is located within Polk county. The recommendations shall not
7 encompass vehicles assigned for law enforcement purposes or for
8 specialized use by the department of natural resources.

9 2. Outsourcing state vehicle leasing through a private
10 entity to fill the needs addressed by the vehicles subject to
11 sale under subsection 1.

12 Sec. 16. DEPARTMENT OF ADMINISTRATIVE SERVICES —
13 STATE-OWNED PASSENGER VEHICLES.

14 1. Consistent with the requirements of section 8A.361, for
15 the period beginning on the effective date of this section
16 and ending June 30, 2011, the department of administrative
17 services shall be the sole department authorized to operate a
18 pool of passenger vehicles located in Polk county for temporary
19 assignment to multiple drivers of a state department or agency
20 that is located within Polk county. For that period, the
21 department shall not purchase new passenger vehicles for the
22 pool.

23 2. For purposes of this section, "passenger vehicles"
24 means United States environmental protection agency designated
25 compact sedans, compact wagons, midsize sedans, midsize
26 wagons, full-size sedans, and passenger minivans. "Passenger
27 vehicles" does not mean utility vehicles, vans other than
28 passenger minivans, fire trucks, ambulances, motor homes,
29 buses, medium-duty and heavy-duty trucks, heavy construction
30 equipment, and other highway maintenance vehicles, vehicles
31 assigned for law enforcement purposes, vehicles assigned for
32 specialized use by the department of natural resources, and any
33 other classes of vehicles of limited application approved by
34 the director of the department of administrative services.

35 Sec. 17. DEPARTMENT OF ADMINISTRATIVE SERVICES — OFFICE

1 SPACE — COST-BENEFIT ANALYSIS. Following the filing of the
2 cost-benefit analysis required pursuant to 2010 Iowa Acts,
3 chapter 1184, section 49, the department of administrative
4 services shall locate state employees in office space in the
5 most cost-efficient manner possible. However, the department
6 shall not terminate a lease for office space outside of the
7 capitol complex at a time when early termination penalties
8 would be applicable for doing so.

9 Sec. 18. SALE OR LEASE OF IOWA COMMUNICATIONS NETWORK. The
10 Iowa telecommunications and technology commission shall
11 implement a request for proposals process to sell or lease
12 the Iowa communications network, or to lease capacity on
13 the network as provided in section 8D.13A. The request for
14 proposals shall provide for the sale to be concluded or the
15 lease to commence during the fiscal year beginning July 1,
16 2011. The commission shall condition the sale or lease of the
17 Iowa communications network with terms that will allow existing
18 authorized users of the network to continue such use at a
19 lower overall long-term cost when compared to the anticipated
20 operation and maintenance costs if state ownership and control
21 were to continue. The commission shall ensure that a lease
22 for capacity on the network is subject to terms and conditions
23 that will ensure continued access to the network by existing
24 authorized users while also satisfying the requirements of
25 section 8D.13A. Public funds shall not be used to secure
26 the purchase of the network. The commission shall submit
27 periodic status reports to the general assembly at three-month
28 intervals, beginning on October 1, 2011, regarding progress
29 made toward selling or leasing the network.

30 Sec. 19. 2010 Iowa Acts, chapter 1189, section 5, subsection
31 2, paragraphs c and d, are amended to read as follows:

32 ~~c.—The auditor shall not seek reimbursement from~~
33 ~~governmental subdivisions for audits which are reimbursable~~
34 ~~pursuant to section 11.20 or 11.21 in an amount that exceeds~~
35 ~~the total amount reimbursed to the auditor by governmental~~

1 ~~subdivisions for the fiscal year beginning July 1, 2008.~~

2 d. Notwithstanding any provision of this subsection to the
3 contrary, the auditor may seek reimbursement from departments
4 and agencies specified in section 11.5B, ~~and governmental~~
5 ~~subdivisions,~~ in an amount that exceeds the total amount
6 reimbursed to the auditor by those departments, or agencies, ~~or~~
7 ~~governmental subdivisions~~ for the fiscal year beginning July
8 1, 2008, for audits required by the federal government and
9 reimbursable from federal funds.

10 Sec. 20. 2010 Iowa Acts, chapter 1189, section 7, is amended
11 to read as follows:

12 SEC. 7. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
13 is appropriated from the general fund of the state to the
14 Iowa ethics and campaign disclosure board for the fiscal year
15 beginning July 1, 2010, and ending June 30, 2011, the following
16 amount, or so much thereof as is necessary, for the purposes
17 designated:

18 For salaries, support, maintenance, and miscellaneous
19 purposes, and for not more than the following full-time
20 equivalent positions:

21	\$	537,256
22		<u>475,608</u>
23	FTEs	5.00
24		<u>4.00</u>

25 Sec. 21. 2010 Iowa Acts, chapter 1193, section 29, is
26 amended to read as follows:

27 SEC. 29. DEPARTMENT OF ADMINISTRATIVE SERVICES —
28 INFORMATION TECHNOLOGY. There is appropriated from the general
29 fund of the state to the department of administrative services
30 for the fiscal year beginning July 1, 2010, and ending June 30,
31 2011, the following amount, or so much thereof as is necessary,
32 to be used for the purposes designated:

33 For implementing 2010 Iowa Acts, Senate File 2088, division
34 I, including salaries, support, maintenance, and miscellaneous
35 purposes:

1 \$ 2,300,000

2 1. For the period beginning on the effective date of this
3 section through June 30, 2011, the department of administrative
4 services shall be subject to a limitation on expenditures made
5 for information technology procurement equal to 50 percent
6 of the unexpended or unencumbered amount remaining from the
7 appropriation made in this section, as of the effective date of
8 this section.

9 2. Notwithstanding any provision to the contrary,
10 commencing with the fiscal year beginning July 1, 2011,
11 the department of management shall designate the department
12 of administrative services as the provider for information
13 technology services for purposes of providing such services to
14 agencies and other governmental entities with the following
15 exceptions:

16 a. The office of the governor or the office of an elective
17 constitutional or statutory officer.

18 b. The general assembly, or any office or unit under its
19 administrative authority.

20 c. The judicial branch, as provided in section 602.1102.

21 d. A political subdivision of the state or its offices
22 or units, including but not limited to a county, city, or
23 community college.

24 e. The state board of regents and institutions operated
25 under the authority of the state board of regents.

26 f. The department of public defense, including both the
27 military division and the homeland security and emergency
28 management division.

29 g. The public broadcasting division of the department of
30 education.

31 3. Pursuant to the procedures provided in section 8A.202,
32 an agency or other governmental entity may seek a waiver from
33 receiving information technology services from the department
34 of administrative services.

35 Sec. 22. EFFECTIVE UPON ENACTMENT. This division of this

1 Act, being deemed of immediate importance, takes effect upon
2 enactment.

3 DIVISION IV

4 AGRICULTURE AND NATURAL RESOURCES

5 Sec. 23. DEPARTMENT OF NATURAL RESOURCES — REAL PROPERTY
6 ACQUISITION CURTAILED.

7 1. Notwithstanding any provision to the contrary, for the
8 period beginning on the effective date of this section through
9 the close of the fiscal year ending on June 30, 2011, the
10 department of natural resources shall not enter into a new
11 arrangement to acquire or otherwise control real property.

12 2. For the purposes of this section, "new arrangement" means
13 an obligation entered into on or after the effective date of
14 this section. An obligation includes but is not limited to
15 an agreement, contract, lease-purchase arrangement, or any
16 other instrument leading to state ownership or control of real
17 property that was not previously owned or controlled by the
18 state. "New arrangement" does not include a real property
19 acquisition or control project for which an appropriation to
20 the department was encumbered prior to the effective date of
21 this section. "*New arrangement*" does not include a donated
22 real property acquisition or control project received or
23 entered into on or after the effective date of this section.

24 3. This section, being deemed of immediate importance,
25 takes effect upon enactment.

26 Sec. 24. 2010 Iowa Acts, chapter 1191, section 20, is
27 amended to read as follows:

28 SEC. 20. IOWA RESOURCES ENHANCEMENT AND PROTECTION
29 FUND. Notwithstanding the amount of the standing appropriation
30 from the general fund of the state to the Iowa resources
31 enhancement and protection fund as provided in section
32 455A.18, there is appropriated from the environment first fund
33 created in section 8.57A to the Iowa resources enhancement
34 and protection fund, in lieu of the appropriation made in
35 section 455A.18, for the fiscal year beginning July 1, 2010,

1 and ending June 30, 2011, the following amount, to be allocated
2 as provided in section 455A.19:

3 \$ 15,000,000
4 11,931,189

5 Sec. 25. EFFECTIVE UPON ENACTMENT. This division of this
6 Act, being deemed of immediate importance, takes effect upon
7 enactment.

8 DIVISION V
9 ECONOMIC DEVELOPMENT

10 Sec. 26. Section 15.108, subsection 5, paragraph c, Code
11 2011, is amended to read as follows:

12 c. Coordinate and develop with the department of
13 transportation, the department of natural resources, the
14 department of cultural affairs, ~~the generation Iowa commission,~~
15 the vision Iowa board, other state agencies, and local and
16 regional entities public interpretation, marketing, and
17 education programs that encourage Iowans and out-of-state
18 visitors to participate in the recreational and leisure
19 opportunities available in Iowa. The department shall
20 establish and administer a program that helps connect both
21 Iowa residents and residents of other states to new and
22 existing Iowa experiences as a means to enhance the economic,
23 social, and cultural well-being of the state. The program
24 shall include a broad range of new opportunities, both rural
25 and urban, including main street destinations, green space
26 initiatives, and artistic and cultural attractions.

27 Sec. 27. 2010 Iowa Acts, chapter 1184, section 43, is
28 amended to read as follows:

29 SEC. 43. SAVE OUR SMALL BUSINESSES FUND APPROPRIATION.

30 1. There is appropriated from the school infrastructure
31 fund created in section 12.82 to the department of economic
32 development for deposit in the save our small businesses fund
33 for the fiscal year beginning July 1, 2010, and ending June 30,
34 2011, the following amount, or so much thereof as is necessary,
35 to be used for the purposes designated:

1 For purposes of providing financial assistance under the
2 save our small businesses program under section 15.301:
3 \$ 5,000,000

4 Of the moneys appropriated pursuant to this section, the
5 department may allocate an amount not to exceed two percent of
6 the moneys appropriated for purposes of retaining the services
7 of an organization designated pursuant to section 15.301,
8 subsection 2, paragraph "b".

9 2. On the effective date of this section of this 2011 Iowa
10 Act, any unobligated and unencumbered moneys appropriated in
11 this section shall revert to the school infrastructure fund.

12 Sec. 28. 2010 Iowa Acts, chapter 1186, section 1, subsection
13 11, is amended to read as follows:

14 11. For membership in North America's supercorridor
15 coalition:
16 \$ 50,000

17 Beginning July 1, 2011, the department shall not renew
18 membership in North America's supercorridor coalition.

19 Sec. 29. REPEAL. Sections 15.300 and 15.301, Code 2011,
20 are repealed.

21 Sec. 30. REPEAL. Section 15.421, Code 2011, is repealed.

22 Sec. 31. GREAT PLACES PROGRAM.

23 1. For the period beginning on the effective date of this
24 section through the close of the fiscal year ending on June 30,
25 2011, the department of cultural affairs shall be subject to a
26 limitation on expenditures made on or after the effective date
27 of this section for purposes of the great places program in
28 accordance with this section.

29 2. The limitation shall be equal to any expended or
30 encumbered amount that the department has budgeted or otherwise
31 designated for purposes of the great places program, from the
32 appropriations made for the fiscal year beginning July 1, 2010,
33 and ending June 30, 2011, to the department from all sources,
34 as of the effective date of this section. Any great places
35 program grant contract entered into prior to the effective date

1 of this section shall continue as provided by the terms of the
2 contract.

3 Sec. 32. LOANS — CONTINUED EFFECT. Loans awarded from
4 the save our small business fund pursuant to section 15.301,
5 prior to the effective date of this section, shall continue as
6 provided by the terms of the loans and shall be administered by
7 the department of economic development.

8 Sec. 33. EFFECTIVE UPON ENACTMENT. This division of this
9 Act, being deemed of immediate importance, takes effect upon
10 enactment.

11 DIVISION VI

12 EDUCATION

13 Sec. 34. 2010 Iowa Acts, chapter 1183, section 6, subsection
14 1, is amended to read as follows:

15 1. GENERAL ADMINISTRATION

16 For salaries, support, maintenance, miscellaneous purposes,
17 and for not more than the following full-time equivalent
18 positions:

19	\$	7,096,482
20		<u>7,037,482</u>
21	FTEs	83.67

22 Sec. 35. 2010 Iowa Acts, chapter 1183, section 6, subsection
23 17, is amended to read as follows:

24 17. CORE CURRICULUM AND CAREER INFORMATION AND
25 DECISION-MAKING SYSTEM

26 For purposes of implementing the statewide core curriculum
27 for school districts and accredited nonpublic schools and a
28 state-designated career information and decision-making system:

29	\$	1,901,556
30		<u>75,556</u>

31 It is the intent of the general assembly that the
32 standing committees on education of the senate and house of
33 representatives shall consider and propose legislation to amend
34 Iowa law regarding the statewide core curriculum, to take
35 effect on or before July 1, 2011.

UNIVERSITY OF IOWA

1
2 Sec. 36. 2010 Iowa Acts, chapter 1183, section 10,
3 subsection 2, paragraph a, is amended to read as follows:

4 a. General university, including lakeside laboratory
5 For salaries, support, maintenance, equipment, miscellaneous
6 purposes, and for not more than the following full-time
7 equivalent positions:

8	\$ 217,638,034
9	<u>212,964,921</u>
10	FTEs 5,058.55

IOWA STATE UNIVERSITY

11
12 Sec. 37. 2010 Iowa Acts, chapter 1183, section 10,
13 subsection 3, paragraph a, is amended to read as follows:

14 a. General university
15 For salaries, support, maintenance, equipment, miscellaneous
16 purposes, and for not more than the following full-time
17 equivalent positions:

18	\$ 170,536,017
19	<u>166,874,276</u>
20	FTEs 3,647.42

UNIVERSITY OF NORTHERN IOWA

21
22 Sec. 38. 2010 Iowa Acts, chapter 1183, section 10,
23 subsection 4, paragraph a, is amended to read as follows:

24 a. General university
25 For salaries, support, maintenance, equipment, miscellaneous
26 purposes, and for not more than the following full-time
27 equivalent positions:

28	\$ 77,549,809
29	<u>75,884,663</u>
30	FTEs 1,447.50

31 Sec. 39. REGENTS APPROPRIATIONS FOR FISCAL YEARS 2011-2012
32 AND 2012-2013. It is the intent of the general assembly to
33 continue the reductions applied to the appropriations made to
34 the institutions under state board of regents in the amendments
35 to 2010 Iowa Acts, chapter 1183, section 10, in this division

1 of this Act for the next two succeeding fiscal years and to
2 annualize the reductions at an aggregate amount of \$15,000,000
3 in each of the fiscal years.

4 Sec. 40. REGENTS AND COMMUNITY COLLEGE ADMINISTRATIVE
5 FUNCTIONS. The joint appropriations subcommittee on education
6 shall implement provisions to consolidate administrative
7 functions at the state board of regents and the institutions
8 under the state board and at the community colleges in order
9 to reduce the amount that would otherwise be budgeted for such
10 administrative functions for the fiscal year beginning July 1,
11 2011, and each fiscal year thereafter. In identifying options
12 for additional consolidation of administrative functions beyond
13 those previously implemented, the subcommittee shall review
14 the efficiencies initiatives and funding reduction reports
15 submitted by the community colleges and the state board of
16 regents pursuant to 2010 Iowa Acts, chapter 1183, sections 9
17 and 12.

18 Sec. 41. LIBRARY ACQUISITION FUNDING — DEPARTMENT OF
19 EDUCATION — STATE LIBRARY.

20 1. For the period beginning on the effective date of this
21 section through the close of the fiscal year ending on June
22 30, 2011, the department of education shall be subject to a
23 limitation on expenditures made on or after the effective date
24 of this section for library acquisitions at the state library
25 including digital acquisitions.

26 2. The limitation shall be equal to 50 percent of the
27 unexpended or unencumbered amount that the department of
28 education has budgeted or otherwise designated for purposes of
29 library acquisitions, including digital acquisitions, from the
30 appropriations made to the department from all sources, as of
31 the effective date of this section.

32 Sec. 42. REGENTS UNIVERSITY LEAVE LIMITATION. For the
33 period beginning on the effective date of this section and
34 ending June 30, 2012, the state board of regents shall not
35 approve paid leaves of absence granted pursuant to section

1 262.9, subsection 14, for any faculty member.

2 Sec. 43. STATEWIDE VOLUNTARY PRESCHOOL. It is the intent
3 of the general assembly to fill the needs addressed by the
4 statewide preschool program for four-year-old children repealed
5 by this division by expanding the preschool tuition assistance
6 provided as part of the school ready children grant program
7 administered through the early childhood Iowa initiative under
8 chapter 256I.

9 Sec. 44. Section 237A.21, subsection 3, paragraph p, Code
10 2011, is amended by striking the paragraph.

11 Sec. 45. Section 237A.22, subsection 1, paragraphs f and g,
12 Code 2011, are amended to read as follows:

13 *f.* Make recommendations for improving collaborations between
14 the child care programs involving the department and programs
15 supporting the education and development of young children
16 including but not limited to the federal head start program,
17 ~~the statewide preschool program for four-year-old children~~
18 and the early childhood, at-risk, and other early education
19 programs administered by the department of education.

20 *g.* Make recommendations for eliminating duplication and
21 otherwise improving the eligibility determination processes
22 used for the state child care assistance program and other
23 programs supporting low-income families, including but not
24 limited to the federal head start, early head start, and even
25 start programs; the early childhood, at-risk, and ~~preschool~~
26 prekindergarten programs administered by the department of
27 education; the family and self-sufficiency grant program; and
28 the family investment program.

29 Sec. 46. Section 256.11, subsection 1, paragraph c, Code
30 2011, is amended by striking the paragraph.

31 Sec. 47. Section 257.16, subsection 1, Code 2011, is amended
32 to read as follows:

33 1. There is appropriated each year from the general fund
34 of the state an amount necessary to pay the foundation aid
35 under this chapter, ~~the preschool foundation aid under chapter~~

1 ~~256C~~, supplementary aid under section 257.4, subsection 2, and
2 adjusted additional property tax levy aid under section 257.15,
3 subsection 4.

4 Sec. 48. Section 257.35, Code 2011, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 5A. Notwithstanding subsection 1, and in
7 addition to the reduction applicable pursuant to subsection
8 2, the state aid for area education agencies and the portion
9 of the combined district cost calculated for these agencies
10 for the fiscal year beginning July 1, 2010, and ending June
11 30, 2011, and subsequent fiscal years, shall be reduced by the
12 department of management by ten million dollars. The reduction
13 for each area education agency shall be prorated based on the
14 reduction that the agency received in the fiscal year beginning
15 July 1, 2003. To the extent feasible, area education agencies
16 shall first apply the reduction required by this subsection
17 to administration and other functions before applying the
18 reductions to staff positions engaged in working directly with
19 children and families.

20 Sec. 49. Section 262.9, subsection 19, Code 2011, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. c. Limit any increase in tuition, fees, and
23 other charges at the institutions of higher education under
24 its control during a school year to not more than an amount
25 equivalent to the increase in the most recently issued higher
26 education price index.

27 Sec. 50. Section 272.2, subsection 18, Code 2011, is amended
28 to read as follows:

29 18. May adopt rules for practitioners who are not eligible
30 for a statement of professional recognition under subsection
31 10, but have received a baccalaureate degree and provide a
32 service to students at any or all levels from prekindergarten
33 through grade twelve for a school district, accredited
34 nonpublic school, or area education agency, ~~or preschool~~
35 ~~program established pursuant to chapter 256C.~~

1 Sec. 51. Section 285.1, subsection 1, paragraph a,
2 subparagraph (3), Code 2011, is amended to read as follows:

3 (3) Children attending prekindergarten programs offered or
4 sponsored by the district or nonpublic school and approved by
5 the department of education or department of human services
6 ~~or children participating in preschool in an approved local~~
7 ~~program under chapter 256C~~ may be provided transportation
8 services. However, transportation services provided to
9 nonpublic school children are not eligible for reimbursement
10 under this chapter.

11 Sec. 52. REPEAL. Chapter 256C, Code 2011, is repealed.

12 Sec. 53. EFFECTIVE DATES.

13 1. The sections of this division of this Act amending Code
14 sections 237A.21, 237A.22, 256.11, 257.16, 257.35, 272.2, and
15 285.1 and repealing Code chapter 256C, take effect July 1,
16 2011, and apply to budget years beginning on or after July 1,
17 2011.

18 2. The provisions of this division of this Act other than
19 those addressed by subsection 1, being deemed of immediate
20 importance, take effect upon enactment.

21 Sec. 54. APPLICABILITY — LEGISLATIVE INTENT.

22 1. The section of this division of this Act amending section
23 262.9 applies to an increase in tuition, fees, and other
24 charges on or after January 1, 2011, and applies retroactively
25 to that date.

26 2. It is the intent of the general assembly that if staff
27 reductions are necessary to implement the section of this
28 division of this Act amending section 262.9, such reductions
29 shall be applied to administrative staff before being applied
30 to instructional, health care, or other staff that provide
31 instruction or services directly to students, patients, or
32 consumers.

33 DIVISION VII

34 HEALTH AND HUMAN SERVICES

35 Sec. 55. Section 217.6, Code 2011, is amended by adding the

1 following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. The rules and regulations
3 adopted for the public benefits and programs administered by
4 the department of human services shall apply the residency
5 eligibility restrictions required by federal and state law.

6 Sec. 56. DEPARTMENT ON AGING — PLAN FOR REDUCTION IN
7 NUMBER OF AREA AGENCIES ON AGING. The department on aging
8 shall develop a plan for reducing the number of area agencies
9 on aging in the state to not more than five, to be effective
10 beginning July 1, 2011. The department shall submit the plan
11 to the standing committees on human resources of the senate
12 and house of representatives and the joint appropriations
13 subcommittee on health and human services on or before February
14 25, 2011.

15 Sec. 57. JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH
16 AND HUMAN SERVICES. The joint appropriations subcommittee
17 on health and human services shall develop and include in
18 appropriations legislation a new reimbursement methodology for
19 juvenile shelter care providers for use beginning July 1, 2011.
20 The new reimbursement methodology shall end the practice of
21 providing reimbursement for unused shelter care beds.

22 HEALTH CARE COVERAGE COMMISSION

23 Sec. 58. 2009 Iowa Acts, chapter 183, section 65, subsection
24 3, is amended to read as follows:

25 3. There is appropriated from the human services
26 reinvestment fund for the fiscal year beginning July 1, 2009,
27 and ending June 30, 2010, the following amount to be used for
28 the following designated purpose:

29 For the legislative services agency to be used for costs
30 associated with the legislative health care coverage commission
31 created in 2009 Iowa Acts, Senate File 389, if enacted, or a
32 similar legislative commission:

33 \$ ~~315,000~~
34 148,000

35 Notwithstanding section 8.33, moneys appropriated in this

1 subsection that remain unencumbered or unobligated at the close
2 of the fiscal year shall not revert but shall remain available
3 for expenditure for the purposes designated until the close of
4 the fiscal year that begins July 1, 2010.

5 ADDICTIVE DISORDERS

6 Sec. 59. 2010 Iowa Acts, chapter 1192, section 2, subsection
7 1, unnumbered paragraph 1, is amended to read as follows:

8 For reducing the prevalence of use of tobacco, alcohol, and
9 other drugs, and treating individuals affected by addictive
10 behaviors, including gambling, and for not more than the
11 following full-time equivalent positions:

12	\$ 28,974,840
13	<u>26,574,840</u>
14	FTEs 18.00

15 Sec. 60. 2010 Iowa Acts, chapter 1192, section 2, subsection
16 1, paragraph a, is amended to read as follows:

17 a. Of the funds appropriated in this subsection, ~~\$7,438,282~~
18 \$5,038,282 shall be used for the tobacco use prevention and
19 control initiative, including efforts at the state and local
20 levels, as provided in chapter 142A.

21 (1) The director of public health shall dedicate sufficient
22 resources to promote and ensure retailer compliance with
23 tobacco laws and ordinances relating to persons under 18
24 years of age, and shall prioritize the state's compliance in
25 the allocation of available funds to comply with 42 U.S.C.
26 § 300x-26 and section 453A.2.

27 (2) Of the full-time equivalent positions authorized in
28 this subsection, 2.00 full-time equivalent positions shall
29 be utilized to provide for enforcement of tobacco laws,
30 regulations, and ordinances.

31 (3) Of the funds allocated in this lettered paragraph,
32 ~~\$1,796,508~~ \$1,197,672 shall be used for youth programs designed
33 to achieve the goals of the initiative, that are directed by
34 youth participants for youth pursuant to section 142A.9.

35 (4) For the period beginning on the effective date of

1 this subparagraph through the close of the fiscal year ending
2 on June 30, 2011, except for activities provided during the
3 period through a contract or other legally binding obligation
4 entered into prior to the period that cannot be canceled
5 without penalty, the department shall cancel smoking cessation
6 and prevention efforts funded in whole or in part under this
7 paragraph "a". The efforts subject to this subparagraph
8 shall include but are not limited to the just eliminate
9 lies initiative and other expenditures relating to the youth
10 programs addressed in subparagraph (3) and the quitline Iowa
11 initiative. The department of human services shall revise
12 eligibility provisions for smoking cessation medications and
13 related services under the medical assistance program to
14 replace the requirements for referral by the quitline Iowa
15 initiative with a requirement for a physician prescription
16 or referral or other suitable requirement. The joint
17 appropriations subcommittee on health and human services, in
18 consultation with the standing committees on human resources
19 of the senate and house of representatives, shall recommend
20 legislation to revise the youth programs addressed by
21 subparagraph (3) effective July 1, 2011, in order to eliminate
22 unnecessary, wasteful expenditures.

23 COMMUNITY CAPACITY

24 Sec. 61. 2010 Iowa Acts, chapter 1192, section 2, subsection
25 4, unnumbered paragraph 1, is amended to read as follows:

26 For strengthening the health care delivery system at the
27 local level, and for not more than the following full-time
28 equivalent positions:

29	\$	5,503,037
30		<u>5,398,037</u>
31	FTEs	21.00

32 Sec. 62. 2010 Iowa Acts, chapter 1192, section 2, subsection
33 4, paragraph h, subparagraph (1), amended to read as follows:

34 (1) Of the funds appropriated in this subsection, ~~\$180,000~~
35 \$120,000 shall be used for continued implementation of

1 the recommendations of the direct care worker task force
2 established pursuant to, based upon the report submitted to
3 the governor and the general assembly in December 2006. The
4 department may use a portion of the funds allocated in this
5 paragraph for an additional position to assist in the continued
6 implementation.

7 Sec. 63. 2010 Iowa Acts, chapter 1192, section 2, subsection
8 4, paragraph i, subparagraph (1), is amended to read as
9 follows:

10 (1) Of the funds appropriated in this subsection, ~~\$135,000~~
11 \$90,000 shall be used for allocation to an independent
12 statewide direct care worker association for education,
13 outreach, leadership development, mentoring, and other
14 initiatives intended to enhance the recruitment and retention
15 of direct care workers in health and long-term care.

16 HEALTHY AGING — PUBLIC PROTECTION

17 Sec. 64. 2010 Iowa Acts, chapter 1192, section 2,
18 subsections 5 and 8, are amended to read as follows:

19 5. HEALTHY AGING

20 To provide public health services that reduce risks and
21 invest in promoting and protecting good health over the
22 course of a lifetime with a priority given to older Iowans and
23 vulnerable populations:

24 \$ ~~8,045,779~~
25 7,745,779

26 a. Of the funds appropriated in this subsection, ~~\$2,209,696~~
27 \$2,127,316 shall be used for local public health nursing
28 services.

29 b. Of the funds appropriated in this subsection, ~~\$5,836,083~~
30 5,618,463 shall be used for home care aide services.

31 8. PUBLIC PROTECTION

32 For protecting the health and safety of the public through
33 establishing standards and enforcing regulations, and for not
34 more than the following full-time equivalent positions:

35 \$ ~~3,287,987~~

1 3,237,987

2 FTEs 130.00

3 a. Of the funds appropriated in this subsection, not more
4 than \$471,690 shall be credited to the emergency medical
5 services fund created in section 135.25. Moneys in the
6 emergency medical services fund are appropriated to the
7 department to be used for the purposes of the fund.

8 b. Of the funds appropriated in this subsection, \$234,229
9 shall be used for sexual violence prevention programming
10 through a statewide organization representing programs serving
11 victims of sexual violence through the department's sexual
12 violence prevention program. The amount allocated in this
13 lettered paragraph shall not be used to supplant funding
14 administered for other sexual violence prevention or victims
15 assistance programs.

16 c. Of the funds appropriated in this subsection, not more
17 than \$485,520 shall be used for the state poison control
18 center.

19 ~~d. Of the funds appropriated in this subsection, \$50,000~~
20 ~~shall be used for education, testing, training, and other costs~~
21 ~~to conform the requirements for certification of emergency~~
22 ~~medical care providers with national standards.~~

23 FAMILY PLANNING WAIVER

24 Sec. 65. 2010 Iowa Acts, chapter 1192, section 11,
25 subsection 24, is amended to read as follows:

26 24. a. The department of human services shall amend
27 the medical assistance waiver for the Iowa family planning
28 network to continue the current waiver with the following
29 modifications, to be effective ~~July 1, 2011~~ as soon as
30 federal approval can be obtained, which provide for all of the
31 following:

32 (1) Coverage for women who meet all of the following
33 criteria:

34 (a) ~~Are uninsured or have health insurance coverage that~~
35 ~~does not include coverage for benefits provided under the Iowa~~

1 ~~family planning network.~~

2 (b) Have income of up to ~~300~~ 133 percent of the federal
3 poverty level.

4 (c) Are under ~~55~~ 45 years of age.

5 ~~(2) Coverage of pregnancy prevention services for men who~~
6 ~~meet the income, age, and insurance coverage specifications~~
7 ~~described in subparagraph (1).~~

8 b. Implementation of this subsection is contingent upon
9 approval of the medical assistance waiver for the Iowa family
10 planning network by the centers for Medicare and Medicaid
11 services of the United States department of health and human
12 services and upon availability of funding as determined by the
13 director of the department of human services.

14 c. Of the funds appropriated in this section, \$25,000 shall
15 be used for administrative costs for renewal and modification
16 of the Iowa family planning network waivers as provided in this
17 subsection.

18 CHILD AND FAMILY SERVICES — SHELTER CARE

19 Sec. 66. 2010 Iowa Acts, chapter 1192, section 19,
20 subsection 1, is amended to read as follows:

21 1. There is appropriated from the general fund of the
22 state to the department of human services for the fiscal year
23 beginning July 1, 2010, and ending June 30, 2011, the following
24 amount, or so much thereof as is necessary, to be used for the
25 purpose designated:

26 For child and family services:

27 \$ ~~79,593,023~~
28 79,127,023

29 Sec. 67. 2010 Iowa Acts, chapter 1192, section 19,
30 subsection 7, paragraph a, is amended to read as follows:

31 a. Notwithstanding section 234.35 or any other provision
32 of law to the contrary, state funding for shelter care shall
33 be limited to ~~\$7,894,147~~ \$7,428,147. The department may
34 continue or amend shelter care provider contracts to include
35 the child welfare emergency services for children that were

1 implemented pursuant to 2008 Iowa Acts, chapter 1187, section
2 16, subsection 7. An appropriate amount of the funds allocated
3 in this subsection may be used for wraparound and emergency
4 services to prevent the need for shelter care services,
5 including such services for children who have an immediate
6 need for shelter care services but are ineligible due to
7 income, status, or other requirement. The funding shall be
8 expended by providers in a manner that does not impinge upon
9 the availability of beds for eligible children.

10 Sec. 68. EFFECTIVE UPON ENACTMENT. This division of this
11 Act, being deemed of immediate importance, takes effect upon
12 enactment.

13 DIVISION VIII

14 INFRASTRUCTURE AND TRANSPORTATION

15 Sec. 69. PLANTINGS FOR AESTHETIC PURPOSES. For the period
16 beginning on the effective date of this section through the
17 close of the fiscal year ending June 30, 2011, the department
18 of transportation shall not pay for wildflowers or other plants
19 intended for aesthetic purposes.

20 Sec. 70. Section 28I.4, subsection 1, Code 2011, is amended
21 to read as follows:

22 1. The commission shall have the power and duty to make
23 comprehensive studies and plans for the development of the
24 area it serves which will guide the unified development of
25 the area and which will eliminate planning duplication and
26 promote economy and efficiency in the coordinated development
27 of the area and the general welfare, convenience, safety, and
28 prosperity of its people. The plan or plans collectively
29 shall be known as the regional or metropolitan development
30 plan. The plans for the development of the area may include
31 but shall not be limited to recommendations with respect to
32 existing and proposed highways, bridges, airports, streets,
33 parks and recreational areas, schools and public institutions
34 and public utilities, public open spaces, and sites for public
35 buildings and structures; districts for residence, business,

1 industry, recreation, agriculture, and forestry; water supply,
2 sanitation, drainage, protection against floods and other
3 disasters; areas for housing developments, slum clearance
4 and urban renewal and redevelopment; location of private
5 and public utilities, including but not limited to sewerage
6 and water supply systems; and such other recommendations
7 concerning current and impending problems as may affect the
8 area served by the commission. Time and priority schedules and
9 cost estimates for the accomplishment of the recommendations
10 may also be included in the plans. ~~The plans shall be made~~
11 ~~with consideration of the smart planning principles under~~
12 ~~section 18B.1.~~ The plans shall be based upon and include
13 appropriate studies of the location and extent of present
14 and anticipated populations; social, physical, and economic
15 resources, problems and trends; and governmental conditions and
16 trends. The commission is also authorized to make surveys,
17 land-use studies, and urban renewal plans, provide technical
18 services and other planning work for the area it serves and
19 for cities, counties, and other political subdivisions in the
20 area. A plan or plans of the commission may be adopted, added
21 to, and changed from time to time by a majority vote of the
22 planning commission. The plan or plans may in whole or in part
23 be adopted by the governing bodies of the cooperating cities
24 and counties as the general plans of such cities and counties.
25 The commission may also assist the governing bodies and other
26 public authorities or agencies within the area it serves
27 in carrying out any regional plan or plans, and assist any
28 planning commission, board or agency of the cities and counties
29 and political subdivisions in the preparation or effectuation
30 of local plans and planning consistent with the program of the
31 commission. The commission may cooperate and confer, as far as
32 possible, with planning agencies of other states or of regional
33 groups of states adjoining its area.

34 Sec. 71. Section 329.3, Code 2011, is amended to read as
35 follows:

1 **329.3 Zoning regulations — powers granted.**

2 Every municipality having an airport hazard area within
3 its territorial limits may adopt, administer, and enforce
4 in the manner and upon the conditions prescribed by this
5 chapter, zoning regulations for such airport hazard area,
6 which regulations may divide such area into zones and, within
7 such zones, specify the land uses permitted, and regulate
8 and restrict, for the purpose of preventing airport hazards,
9 the height to which structures and trees may be erected or
10 permitted to grow. ~~Regulations adopted under this chapter~~
11 ~~shall be made with consideration of the smart planning~~
12 ~~principles under section 18B.1.~~

13 Sec. 72. Section 335.5, subsections 3 and 4, Code 2011, are
14 amended by striking the subsections.

15 Sec. 73. Section 335.8, subsection 2, Code 2011, is amended
16 by striking the subsection.

17 Sec. 74. Section 414.3, subsections 3 and 4, Code 2011, are
18 amended by striking the subsections.

19 Sec. 75. Section 414.6, subsection 2, Code 2011, is amended
20 by striking the subsection.

21 Sec. 76. REPEAL. Section 16.194A, Code 2011, is repealed.

22 Sec. 77. REPEAL. Chapter 18B, Code 2011, is repealed.

23 Sec. 78. REPEAL. 2010 Iowa Acts, chapter 1184, section 25,
24 is repealed.

25 Sec. 79. RECISION OF AWARDS. Any award to a city or county
26 that applies smart planning principles and guidelines pursuant
27 to sections 18B.1 and 18B.2, Code 2011, granted from moneys
28 appropriated pursuant to 2010 Iowa Acts, chapter 1184, section
29 10, subsection 4, paragraph "b", for which a grant agreement
30 or contract has not been entered into by the effective date of
31 this section, shall be rescinded. The Iowa jobs board shall
32 not award any additional such grants on or after the effective
33 date of this section.

34 Sec. 80. SUSTAINABLE COMMUNITIES — JOINT APPROPRIATIONS
35 SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND

1 CAPITALS. The joint appropriations subcommittee on
2 transportation, infrastructure, and capitals shall develop
3 and, on or before April 4, 2011, shall submit recommended
4 implementation provisions to the general assembly's committees
5 on appropriations in proposed legislation concerning reductions
6 of all identifiable appropriations enacted by the Eighty-third
7 General Assembly, 2010 session, for purposes of sustainable
8 communities projects.

9 Sec. 81. 2010 Iowa Acts, chapter 1184, section 1, subsection
10 1, paragraph c, unnumbered paragraph 1, is amended to read as
11 follows:

12 For the state's share of support in conjunction with the
13 city of Des Moines and local area businesses to provide a
14 free shuttle service to the citizens of Iowa that includes
15 transportation between the capitol complex and the downtown
16 Des Moines area, notwithstanding section 8.57, subsection 6,
17 paragraph "c":

18 \$ 200,000
19 125,000

20 Sec. 82. 2010 Iowa Acts, chapter 1184, section 1, subsection
21 7, paragraph c, is amended to read as follows:

22 c. For costs associated with the hiring and employment of an
23 asset manager at Honey creek resort state park, notwithstanding
24 section 8.57, subsection 6, paragraph "c":

25 \$ 100,000
26 26,200

27 ~~The department shall issue a request for proposals to~~
28 ~~competitively procure the services of an asset manager which~~
29 ~~shall be selected by the natural resource commission. The~~
30 ~~asset manager shall have hospitality management experience~~
31 ~~of at least five years including at least three years asset~~
32 ~~management experience in a setting similar in size and quality~~
33 ~~to the Honey creek resort state park with a similar type of~~
34 ~~market. The duties and job responsibilities of the asset~~
35 ~~manager shall include but are not limited to reviewing and~~

~~1 commenting on the resort's sales and marketing plan, providing
2 for the operation of the resort in a manner consistent with
3 the requirements and limitations set forth in the resort's
4 operating agreement, monitoring and supervising the resort
5 including site visits, and negotiating and recommending an
6 annual operating budget and budget plan. The asset manager
7 shall report to bond counsel, the governor, the Honey creek
8 authority, the department of natural resources, and the
9 legislative services agency.~~

10 Sec. 83. 2009 Iowa Acts, chapter 184, section 1, subsection
11 12, paragraph a, as amended by 2010 Iowa Acts, chapter 1184,
12 section 71, is amended to read as follows:

13 a. For deposit in the passenger rail service revolving
14 fund created in section 327J.2, notwithstanding section 8.57,
15 subsection 6, paragraph "c":

16 \$ ~~3,000,000~~
17 302,007

18 Sec. 84. 2010 Iowa Acts, chapter 1184, section 2, subsection
19 3, is amended to read as follows:

20 3. DEPARTMENT OF TRANSPORTATION

21 For deposit into the passenger rail service revolving
22 fund created in section 327J.2 for matching federal funding
23 available through the federal Passenger Rail Investment
24 and Improvement Act of 2008 for passenger rail service,
25 notwithstanding section 8.57, subsection 6, paragraph "c":

26 FY 2011-2012..... \$ ~~6,500,000~~
27 0

~~28 It is the intent of the general assembly to fund up to
29 \$20 million over a four-year period to fully fund the state
30 commitment for matching federal funding available through the
31 federal Passenger Rail Investment and Improvement Act of 2008.~~

32 Sec. 85. 2010 Iowa Acts, chapter 1184, section 16, is
33 amended to read as follows:

34 SEC. 16. There is appropriated from the Iowa comprehensive
35 petroleum underground storage tank fund to the department of

1 transportation for the fiscal year beginning July 1, 2010, and
2 ending June 30, 2011, the following amount, or so much thereof
3 as is necessary, to be used for the purposes designated:

4 Notwithstanding section 455G.3, subsection 1, for deposit in
5 the passenger rail service revolving fund created in section
6 327J.2:

7 \$ 2,000,000
8 500,000

9 ~~Such funds shall be coupled with the remaining unobligated~~
10 ~~balance of up to one million five hundred thousand dollars from~~
11 ~~the appropriation made in 2009 Iowa Acts, chapter 184, section~~
12 ~~1, subsection 12, paragraph "a", for a total commitment of~~
13 ~~three million five hundred thousand dollars for the fiscal year~~
14 ~~beginning July 1, 2010, and ending June 30, 2011, for matching~~
15 ~~federal funding available through the Passenger Rail Investment~~
16 ~~and Improvement Act of 2008.~~

17 Sec. 86. 2008 Iowa Acts, chapter 1179, section 1, subsection
18 13, paragraph c, as amended by 2009 Iowa Acts, chapter 184,
19 section 22, is amended by striking the paragraph.

20 Sec. 87. EFFECTIVE UPON ENACTMENT. This division of this
21 Act, being deemed of immediate importance, takes effect upon
22 enactment.

23 DIVISION IX
24 JUSTICE SYSTEM

25 Sec. 88. 2010 Iowa Acts, chapter 1185, section 1, subsection
26 1, paragraph a, is amended by adding the following new
27 unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. In cases that are not considered
29 unusually complicated pursuant to the rules adopted by the
30 state public defender where either the state public defender
31 approves a claim in excess of a fee limitation established
32 under section 13B.4, subsection 4, or upon the court ordering
33 the state public defender to approve such a claim in excess
34 of the fee limitations, an amount equal to the portion of the
35 claim in excess of the fee limitation approved by the state

1 public defender or ordered by the court shall be transferred
2 by the judicial branch from the moneys appropriated in this
3 lettered paragraph to the revolving fund created in section
4 602.1302. Notwithstanding section 602.1302, the judicial
5 branch shall transfer moneys credited to the revolving fund
6 pursuant to this unnumbered paragraph to the state public
7 defender to be credited to the indigent defense fund created
8 in section 815.11. Moneys credited to the indigent defense
9 fund pursuant to this unnumbered paragraph shall be used to
10 reimburse the state public defender by applying the same
11 procedures used to reimburse the state public defender for
12 attorney fees paid pursuant to section 600A.6B.

13 Sec. 89. 2010 Iowa Acts, chapter 1190, section 10, is
14 amended to read as follows:

15 SEC. 10. STATE PUBLIC DEFENDER. There is appropriated from
16 the general fund of the state to the office of the state public
17 defender of the department of inspections and appeals for the
18 fiscal year beginning July 1, 2010, and ending June 30, 2011,
19 the following amounts, or so much thereof as is necessary, to
20 be allocated as follows for the purposes designated:

21 1. For salaries, support, maintenance, miscellaneous
22 purposes, and for not more than the following full-time
23 equivalent positions:

24 \$ 21,743,182
25 FTEs 203.00

26 2. For the fees of court-appointed attorneys for indigent
27 adults and juveniles, in accordance with section 232.141 and
28 chapter 815:

29 \$ ~~15,680,929~~
30 31,680,929

31 Sec. 90. EFFECTIVE UPON ENACTMENT. This division of this
32 Act, being deemed of immediate importance, takes effect upon
33 enactment.

34 DIVISION X
35 POWER FUND — OFFICE OF ENERGY INDEPENDENCE

1 Sec. 91. REPEAL. Sections 469.9 and 469.10, Code 2011, are
2 repealed.

3 Sec. 92. REPEAL. Sections 469.1, 469.2, 469.3, 469.4,
4 469.5, 469.6, 469.7, 469.8, and 469.11, Code 2011, are
5 repealed.

6 Sec. 93. TRANSITION PROVISIONS — DEPARTMENTAL
7 AUTHORITY. Beginning on the effective date of this section,
8 the department of economic development shall assume the
9 duties of the office of energy independence until otherwise
10 determined by the general assembly. During the 2011 session of
11 the Eighty-fourth General Assembly, the joint appropriations
12 subcommittee on economic development shall include Code
13 provisions relating to the repeal of chapter 469 and the
14 transfer of departmental authority from the office of energy
15 independence to another state entity in a proposed committee
16 on appropriations bill.

17 Sec. 94. TRANSITION PROVISIONS — CONTINUATION OF GRANTS.

18 1. Any moneys remaining in any account or fund under the
19 control of the office of energy independence on the effective
20 date of this division relative to the provisions of this
21 division shall be transferred to a comparable fund or account
22 under the control of the department of economic development
23 for such purposes, until otherwise determined by the general
24 assembly. Notwithstanding section 8.33, the moneys transferred
25 in accordance with this subsection shall not revert to the
26 account or fund from which appropriated or transferred.

27 2. Any license, permit, or contract issued or entered
28 into by the office of energy independence relative to the
29 provisions of this division in effect on the effective date
30 of this division shall continue in full force and effect
31 pending transfer of such licenses, permits, or contracts to the
32 department of economic development, until otherwise determined
33 by the general assembly.

34 3. Grants or loans awarded from the Iowa power fund
35 pursuant to section 469.9 prior to the effective date of

1 this division shall continue as provided by the terms of the
2 grants or loans and shall be administered by the department of
3 economic development, until otherwise determined by the general
4 assembly.

5 4. Federal funds utilized by the director of the office
6 of energy independence prior to the effective date of this
7 division to employ personnel necessary to administer the
8 provisions of this division shall be applicable to the transfer
9 of such personnel from the office of energy independence to the
10 department of economic development, or other state agency as
11 determined by the general assembly.

12 Sec. 95. EFFECTIVE UPON ENACTMENT. Except for the section
13 of this division repealing sections 469.9 and 469.10, which
14 shall take effect July 1, 2011, this division of this Act,
15 being deemed of immediate importance, takes effect upon
16 enactment.

17 DIVISION XI

18 REBUILD IOWA OFFICE

19 Sec. 96. Section 16.191, subsection 2, paragraph e, Code
20 2011, is amended to read as follows:

21 ~~e. The executive director of the rebuild Iowa office~~
22 ~~or the director's designee until June 30, 2011, and then~~
23 ~~the administrator of the homeland security and emergency~~
24 ~~management division of the department of public defense or the~~
25 ~~administrator's designee.~~

26 Sec. 97. Section 29C.20B, subsection 1, Code 2011, is
27 amended to read as follows:

28 1. ~~The rebuild Iowa office shall work with the department~~
29 ~~of human services and nonprofit, voluntary, and faith-based~~
30 ~~organizations active in disaster recovery and response~~
31 ~~in coordination with the homeland security and emergency~~
32 ~~management division shall work to establish a statewide~~
33 ~~system of disaster case management to be activated following~~
34 ~~the governor's proclamation of a disaster emergency or the~~
35 ~~declaration of a major disaster by the president of the~~

1 United States for individual assistance purposes. Under the
2 system, the department of human services shall coordinate
3 case management services locally through local committees as
4 established in each local emergency management commission's
5 emergency plan. ~~Beginning July 1, 2011, the department of~~
6 ~~human services shall assume the duties of the rebuild Iowa~~
7 ~~office under this subsection.~~

8 Sec. 98. Section 29C.20B, subsection 2, unnumbered
9 paragraph 1, Code 2011, is amended to read as follows:

10 The department of human services, in conjunction with
11 ~~the rebuild Iowa office,~~ the homeland security and emergency
12 management division, and an Iowa representative to the national
13 voluntary organizations active in disaster, shall adopt rules
14 pursuant to chapter 17A to create coordination mechanisms
15 and standards for the establishment and implementation of
16 a statewide system of disaster case management which shall
17 include at least all of the following:

18 Sec. 99. Section 103A.8C, subsection 1, Code 2011, is
19 amended to read as follows:

20 1. The commissioner, after consulting with and receiving
21 recommendations from the department of public defense, and
22 the department of natural resources, ~~and the rebuild Iowa~~
23 ~~office,~~ shall adopt rules pursuant to chapter 17A specifying
24 standards and requirements for design and construction of safe
25 rooms and storm shelters. In developing these standards, the
26 commissioner shall consider nationally recognized standards.
27 The standards and requirements shall be incorporated into the
28 state building code established in section 103A.7, but shall
29 not be interpreted to require the inclusion of a safe room or
30 storm shelter in a building construction project unless such
31 inclusion is expressly required by another statute or by a
32 federal statute or regulation. However, if a safe room or
33 storm shelter is included in any building construction project
34 which reaches the design development phase on or after January
35 1, 2011, compliance with the standards developed pursuant to

1 this section shall be required.

2 Sec. 100. Section 466B.3, subsection 4, paragraph n, Code
3 2011, is amended by striking the paragraph.

4 Sec. 101. 2009 Iowa Acts, chapter 169, section 10,
5 subsection 6, is amended to read as follows:

6 6. This section is repealed ~~June 30, 2011~~ on the effective
7 date of this section of this 2011 Iowa Act.

8 Sec. 102. 2010 Iowa Acts, chapter 1189, section 28, is
9 amended to read as follows:

10 SEC. 28. REBUILD IOWA OFFICE.

11 1. There is appropriated from the general fund of the state
12 to the rebuild Iowa office for the fiscal year beginning July
13 1, 2010, and ending June 30, 2011, the following amount, or
14 so much thereof as is necessary, to be used for the purposes
15 designated:

16 For salaries, support, maintenance, and miscellaneous
17 purposes, and for not more than the following full-time
18 equivalent positions:

19	\$	647,014
20		<u>531,014</u>
21	FTEs	12.00

22 It is the intent of the general assembly that the rebuild
23 Iowa office shall be repealed effective June 30, 2011, and
24 shall not receive an appropriation from the general fund of the
25 state after that date.

26 2. a. Of the moneys appropriated in this section, \$50,000
27 shall be transferred to the homeland security and emergency
28 management division of the department of public defense for
29 purposes of assuming the duties of the rebuild Iowa office.

30 b. For purposes of assuming the duties of the rebuild Iowa
31 office, the homeland security and emergency management division
32 of the department of public defense shall be authorized an
33 additional 0.5 FTEs above those otherwise authorized to the
34 division.

35 c. This subsection shall take effect on the effective date

1 of this section of this 2011 Iowa Act.

2 Sec. 103. REBUILD IOWA OFFICE ELIMINATION — TRANSFER
3 OF DUTIES. Beginning on the effective date of this division
4 of this Act, the homeland security and emergency management
5 division of the department of public defense shall assume all
6 duties of the rebuild Iowa office.

7 Sec. 104. REBUILD IOWA OFFICE ELIMINATION — JOINT
8 APPROPRIATIONS SUBCOMMITTEE ON THE JUSTICE SYSTEM. The joint
9 appropriations subcommittee on the justice system shall consult
10 with the homeland security and emergency management division
11 of the department of public defense and other relevant sources
12 in proposing legislation identifying the appropriate state
13 agencies to assume the duties of the rebuild Iowa office.

14 Sec. 105. EFFECTIVE UPON ENACTMENT. This division of this
15 Act, being deemed of immediate importance, takes effect upon
16 enactment.

17 DIVISION XII

18 GROW IOWA VALUES FUND AND PROGRAM

19 Sec. 106. Section 15.103, subsection 6, Code 2011, is
20 amended to read as follows:

21 6. As part of the organizational structure of the
22 department, the board shall establish a due diligence
23 committee and a loan and credit guarantee committee composed
24 of members of the board. The committees shall serve in an
25 advisory capacity to the board and shall carry out any duties
26 assigned by the board in relation to programs administered
27 by the department. The loan and credit guarantee committee
28 shall advise the board on the winding up of loan guarantees
29 made under the loan and credit guarantee program established
30 pursuant to section 15E.224, Code 2009, ~~and on the proper~~
31 ~~amount of the allocation described in section 15G.111,~~
32 ~~subsection 4, paragraph "g".~~

33 Sec. 107. Section 15.104, subsection 1, Code 2011, is
34 amended by striking the subsection.

35 Sec. 108. Section 15.104, subsection 8, paragraphs b and i,

1 Code 2011, are amended by striking the paragraphs.

2 Sec. 109. Section 15.104, subsection 8, paragraph j, Code
3 2011, is amended to read as follows:

4 *j. Renewable fuel programs.* A detailed accounting of
5 expenditures in support of renewable fuel infrastructure
6 programs, as provided in sections 15G.203 and 15G.204. ~~The
7 renewable fuel infrastructure board established in section
8 15G.202 shall approve that portion of the department's annual
9 report regarding projects supported from the grow Iowa values
10 fund created in section 15G.111.~~ This paragraph is repealed on
11 July 1, 2012.

12 Sec. 110. Section 15.327, Code 2011, is amended by adding
13 the following new subsections:

14 NEW SUBSECTION. 01. "*Base employment level*" means the
15 number of full-time equivalent positions at a business,
16 as established by the department and a business using the
17 business's payroll records, as of the date a business applies
18 for financial assistance under the program.

19 NEW SUBSECTION. 3A. "*County wage*" means the average hourly
20 compensation rates, excluding the value of nonwage benefits for
21 comparable jobs, from the most recent four quarters of wage
22 and employment information from the quarterly covered wage and
23 employment data report issued by the department of workforce
24 development.

25 NEW SUBSECTION. 7A. "*Full-time equivalent position*" means
26 a non-part-time position for the number of hours or days per
27 week considered to be full-time work for the kind of service
28 or work performed for an employer. Typically, a full-time
29 equivalent position requires two thousand eighty hours of work
30 in a calendar year, including all paid holidays, vacations,
31 sick time, and other paid leave.

32 NEW SUBSECTION. 7B. "*Maintenance period*" means the period
33 of time between the project completion date and maintenance
34 period completion date.

35 NEW SUBSECTION. 12A. "*Regional wage*" means the average

1 hourly compensation rates, excluding the value of nonwage
2 benefits for comparable jobs, from the most recent four
3 quarters of wage and employment information from the quarterly
4 covered wage and employment data report issued by the
5 department of workforce development.

6 Sec. 111. Section 15.327, subsections 1, 4, 7, 8, 10, 12,
7 and 13, Code 2011, are amended by striking the subsections and
8 inserting in lieu thereof the following:

9 1. "*Benefit*" means nonwage compensation provided to an
10 employee. Benefits typically include medical and dental
11 insurance plans, pension, retirement, and profit-sharing plans,
12 child care services, life insurance coverage, vision insurance
13 coverage, disability insurance coverage, and any other nonwage
14 compensation as determined by the board.

15 4. "*Created job*" means a new, permanent, full-time
16 equivalent position added to a business's payroll in excess of
17 the business's base employment level.

18 7. "*Fiscal impact ratio*" means a ratio calculated by
19 estimating the amount of taxes to be received from a business
20 by the state and dividing the estimate by the estimated cost
21 to the state of providing certain financial incentives to
22 the business, reflecting a ten-year period of taxation and
23 incentives and expressed in terms of current dollars. For
24 purposes of the program, "*fiscal impact ratio*" does not include
25 taxes received by political subdivisions.

26 8. "*Maintenance period completion date*" means the date on
27 which the maintenance period ends.

28 10. "*Project completion date*" means the date by which
29 a recipient of financial assistance has agreed to meet all
30 the terms and obligations contained in an agreement with the
31 department as described in section 15.330.

32 12. "*Qualifying wage threshold*" means the county wage or the
33 regional wage, as calculated pursuant to subsections 3A and
34 12A, whichever is lower.

35 13. "*Retained job*" means a full-time equivalent position,

1 in existence at the time an employer applies for financial
2 assistance which remains continuously filled or authorized
3 to be filled as soon as possible and which is at risk of
4 elimination if the project for which the employer is seeking
5 assistance does not proceed.

6 Sec. 112. Section 15.329, subsection 2, Code 2011, is
7 amended to read as follows:

8 2. A business providing a sufficient package of benefits to
9 each employee holding a created or retained job shall qualify
10 for a credit against the qualifying wage threshold requirements
11 described in subsection 1, paragraph "c". The credit shall be
12 calculated and applied in the following manner: ~~described in~~
13 ~~section 15G.112, subsection 4, paragraph "b".~~

14 a. By multiplying the qualifying wage threshold of
15 the county in which the business is located by one and
16 three-tenths.

17 b. By multiplying the result of paragraph "a" by one-tenth.

18 c. The amount of the result of paragraph "b" shall be
19 credited against the amount of the one hundred thirty percent
20 qualifying wage threshold requirement that the business is
21 required to meet under subsection 1, paragraph "c".

22 d. The credit shall not be applied against the one hundred
23 percent of qualifying wage threshold requirement described in
24 subsection 1, paragraph "c".

25 Sec. 113. Section 15.330, subsection 4, Code 2011, is
26 amended to read as follows:

27 4. A project completion date, a maintenance period
28 completion date, the number of jobs to be created or retained,
29 or certain other terms and obligations described in ~~section~~
30 ~~15G.112, subsection 1, paragraph "d"~~ an agreement, as the
31 department deems necessary in order to make the requirements in
32 project agreements uniform. The department, with the approval
33 of the board, may adopt rules as necessary for making such
34 requirements uniform. Such rules shall be in compliance with
35 the provisions of this part ~~and with the provisions of chapter~~

1 ~~15G.~~

2 Sec. 114. Section 15.335A, subsection 1, unnumbered
3 paragraph 1, Code 2011, is amended to read as follows:

4 Tax incentives are available to eligible businesses as
5 provided in this section. The incentives are based upon the
6 number of jobs created or retained that pay at least one
7 hundred thirty percent of the qualifying wage threshold as
8 computed pursuant to section ~~15G.112~~ 15.329, subsection ~~4~~ 1,
9 and the amount of the qualifying investment made according to
10 the following schedule:

11 Sec. 115. Section 15.335A, subsection 2, paragraphs b, c, f,
12 and g, Code 2011, are amended by striking the paragraphs.

13 Sec. 116. Section 15.335A, subsection 5, Code 2011, is
14 amended to read as follows:

15 5. The department shall negotiate the amount of tax
16 incentives provided to an applicant under the program
17 in accordance with this section ~~and section 15G.112, as~~
18 ~~applicable.~~

19 Sec. 117. Section 15A.7, subsection 3, Code 2011, is amended
20 to read as follows:

21 3. That the employer shall agree to pay wages for the jobs
22 for which the credit is taken of at least the county wage or
23 the regional wage, as calculated ~~by the department~~ pursuant to
24 section ~~15G.112, subsection 3~~ 15.327, subsections 3A and 12A,
25 whichever is lower. Eligibility for the supplemental credit
26 shall be based on a one-time determination of starting wages by
27 the community college.

28 Sec. 118. Section 15E.193, subsection 1, paragraphs b
29 through d, Code 2011, are amended to read as follows:

30 b. (1) The business shall provide a sufficient package of
31 benefits to each employee holding a created or retained job.
32 For purposes of this paragraph, "*created job*" and "*retained job*"
33 have the same meaning as defined in section ~~15G.101~~ 15.327.

34 (2) The board, upon the recommendation of the department,
35 shall adopt rules determining what constitutes a sufficient

1 package of benefits.

2 *c.* The business shall pay a wage that is at least ninety
3 percent of the qualifying wage threshold. For purposes of this
4 paragraph, "*qualifying wage threshold*" has the same meaning as
5 defined in section ~~15G.101~~ 15.327.

6 *d.* Creates or retains at least ten full-time equivalent
7 positions and maintains them until the maintenance period
8 completion date. For purposes of this paragraph, "*maintenance*
9 *period completion date*" and "*full-time equivalent position*" have
10 the same meanings as defined in section ~~15G.101~~ 15.327.

11 Sec. 119. Section 15E.231, unnumbered paragraph 1, Code
12 2011, is amended to read as follows:

13 ~~In order for an~~ An economic development region ~~to receive~~
14 ~~moneys under the grow Iowa values financial assistance program~~
15 ~~established in section 15G.112, an~~ shall establish a regional
16 development plan. An economic development region's regional
17 development plan must be approved by the department. An
18 economic development region shall consist of not less than
19 three counties, unless two contiguous counties have a combined
20 population of at least three hundred thousand based on the
21 most recent federal decennial census. An economic development
22 region shall establish a focused economic development effort
23 that shall include a regional development plan relating to one
24 or more of the following areas:

25 Sec. 120. Section 15E.232, subsections 1, 3, 4, 5, 6, and 7,
26 Code 2011, are amended by striking the subsections.

27 Sec. 121. Section 15E.351, subsection 1, Code 2011, is
28 amended to read as follows:

29 1. The department shall establish and administer a business
30 accelerator program to provide financial assistance for
31 the establishment and operation of a business accelerator
32 for technology-based, value-added agricultural, information
33 solutions, alternative and renewable energy including the
34 alternative and renewable energy sectors listed in section
35 476.42, subsection 1, paragraph "a", or advanced manufacturing

1 start-up businesses or for a satellite of an existing business
2 accelerator. The program shall be designed to foster the
3 accelerated growth of new and existing businesses through the
4 provision of technical assistance. ~~The department, subject to~~
5 ~~the approval of the economic development board, may provide~~
6 ~~financial assistance under this section from moneys allocated~~
7 ~~for regional financial assistance pursuant to section 15G.111,~~
8 ~~subsection 9.~~

9 Sec. 122. Section 159A.6B, subsection 2, Code 2011, is
10 amended to read as follows:

11 2. The office may execute contracts in order to provide
12 technical support and outreach services for purposes of
13 assisting and educating interested persons as provided in this
14 section. The office may also contract with a consultant to
15 provide part or all of these services. The office may require
16 that a person receiving assistance pursuant to this section
17 contribute up to fifty percent of the amount required to
18 support the costs of contracting with the consultant to provide
19 assistance to the person. ~~The office shall assist the person~~
20 ~~in completing any technical information required in order to~~
21 ~~receive assistance by the department of economic development~~
22 ~~pursuant to the value-added agriculture component of the grow~~
23 ~~Iowa values financial assistance program established pursuant~~
24 ~~to section 15G.112.~~

25 Sec. 123. Section 455B.104, subsection 2, Code 2011, is
26 amended by striking the subsection.

27 Sec. 124. 2010 Iowa Acts, chapter 1184, section 26, is
28 amended to read as follows:

29 SEC. 26. GROW IOWA VALUES FUND.

30 1. There is appropriated from the rebuild Iowa
31 infrastructure fund to the department of economic development
32 for deposit in the grow Iowa values fund, for the fiscal year
33 beginning July 1, 2010, and ending June 30, 2011, the following
34 amount, notwithstanding section 8.57, subsection 6, paragraph
35 "c":

1 \$ 38,000,000

2 2. On the effective date of this section of this 2011 Iowa
3 Act, any unobligated and unencumbered moneys appropriated in
4 this section and section 27 of this 2010 Iowa Act, shall revert
5 to the general fund of the state. Any repayments of moneys
6 loaned from moneys appropriated in this section and section 27
7 of this 2010 Iowa Act, and received after the effective date
8 of this 2011 Iowa Act, shall be credited to the general fund of
9 the state.

10 Sec. 125. 2010 Iowa Acts, chapter 1184, section 27, is
11 amended to read as follows:

12 SEC. 27. GROW IOWA VALUES FUND APPROPRIATION REDUCTION.

13 1. In lieu of the \$50,000,000 appropriated for the fiscal
14 year beginning July 1, 2010, and ending June 30, 2011, from
15 the grow Iowa values fund to the department of economic
16 development pursuant to section 15G.111, subsection 3, there is
17 appropriated from the grow Iowa values fund to the department
18 of economic development for the fiscal year beginning July 1,
19 2010, and ending June 30, 2011, \$38,000,000 for the purposes of
20 making expenditures pursuant to chapter 15G.

21 2. On the effective date of this section of this 2011 Iowa
22 Act, an entity receiving moneys appropriated pursuant to this
23 section, with the exception of moneys allocated pursuant to
24 section 28, subsections 2 and 5, of this 2010 Iowa Act, shall
25 cease obligating or encumbering such moneys.

26 Sec. 126. REPEAL. Section 15E.233, Code 2011, is repealed.

27 Sec. 127. REPEAL. Sections 15G.101 and 15G.109 through
28 15G.115, Code 2011, are repealed.

29 Sec. 128. REPEAL. Section 266.19, Code 2011, is repealed.

30 Sec. 129. REPEAL. Section 455B.433, Code 2011, is repealed.

31 Sec. 130. EFFECTIVE DATE. The provisions of this division
32 of this Act amending 2010 Iowa Acts, chapter 1184, being deemed
33 of immediate importance, take effect upon enactment.

34 DIVISION XIII
35 COUNTY MENTAL HEALTH

AND DISABILITY SERVICES

Sec. 131. COUNTY WAITING LISTS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be credited to the risk pool in the property tax relief fund created in chapter 426B and expended as provided in this section:

..... \$ 25,000,000

2. The amount appropriated in this section is appropriated from the risk pool to the department of human services for distribution as provided in this section. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

3. a. For the purposes of this section, "services fund" means a county's mental health, mental retardation, and developmental disabilities services fund created in section 331.424A.

b. The risk pool board shall implement a process for distribution of the amount appropriated in this section to counties to be used to provide eligibility for services and other support payable from the counties' services funds for persons who are eligible under county management plans in effect as of December 31, 2010, but due to insufficient funding are on a waiting list for the services and other support. The period addressed by the funding appropriated in this section begins on or after the effective date of this section and ends June 30, 2012. Of the amount appropriated in this section, up to \$5,000,000 shall be targeted to expand medical assistance program waiver slots for those waivers for which counties

1 pay the nonfederal share of the costs. The distribution
2 allocations shall be completed on or before July 1, 2011.

3 c. The general assembly finds that as of the time of
4 enactment of this section, the funding appropriated in this
5 section is sufficient to eliminate the need for continuing
6 , instituting, or reinstating waiting lists during the
7 period addressed by the appropriation. However, the process
8 implemented by the risk pool board shall ensure there is
9 adequate funding so that a person made eligible for services
10 and other support from the waiting list would not be required
11 to return to the waiting list if a later projection indicates
12 the funding is insufficient to cover for the entire period all
13 individuals removed from the waiting list pursuant to this
14 section.

15 d. The funding provided in this section is intended to
16 provide necessary services for adults in need of mental health,
17 mental retardation, or developmental disabilities services
18 until improvements to the current system can be developed and
19 enacted.

20 Sec. 132. ADULT MENTAL HEALTH AND DISABILITY SERVICE SYSTEM
21 REFORM.

22 1. The general assembly finds there is need to reform the
23 adult mental health and disability services system administered
24 by counties to address the needs of persons with mental
25 illness, mental retardation, or developmental disabilities.
26 Issues with the current system include the following:

27 a. Lack of a set of core services uniformly available
28 throughout the state.

29 b. Lack of uniformity in service expenditures throughout
30 the state.

31 c. Disparity in county levy rates for the services funds for
32 this system.

33 d. The need to improve the array of community-based services
34 and services to avoid the use or continued use of crisis
35 services.

1 e. The need to expand the availability of dual diagnosis
2 mental health and substance abuse services.

3 f. The need to improve the consistency of services available
4 to both youth and adult populations.

5 g. The need to address the medical assistance (Medicaid)
6 program changes in the federal Patient Protection and
7 Affordable Care Act (PPACA) that will greatly expand the
8 program's eligibility for persons in the service system
9 beginning in calendar year 2014.

10 h. Dissatisfaction with using county of legal settlement
11 determinations to determine county and state financial
12 responsibility for services.

13 2. In order to address the issues identified in subsection
14 1, the committees on human resources, appropriations, and ways
15 and means of the senate and house of representatives shall
16 propose legislation to address the following actions by the
17 dates indicated:

18 a. Phase-in of the state fully assuming the nonfederal
19 share of the costs for Medicaid program services now borne by
20 counties by the implementation date of the Medicaid eligibility
21 changes under PPACA.

22 b. Provide property tax relief and equity by having the
23 state assume a greater role in funding the adult mental health
24 and disability services system from counties by July 1, 2012,
25 when the repeals contained in this division of this Act take
26 effect.

27 c. Shift the balance of responsibilities for the services
28 system between the state and counties so that the state
29 ensures greater uniformity and there is sufficient size to
30 develop effective services while maintaining the county role of
31 bringing local resources together in unique ways that best meet
32 the needs of clients, by implementing a new services system
33 structure by July 1, 2012, when the repeals contained in this
34 division of this Act take effect.

35 Sec. 133. Section 331.424A, Code 2011, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 6. This section is repealed July 1, 2012.

3 Sec. 134. Section 331.438, Code 2011, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 5. This section is repealed July 1, 2012.

6 Sec. 135. Section 331.439, Code 2011, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 10. This section is repealed July 1, 2012.

9 Sec. 136. Section 331.440, Code 2011, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 7. This section is repealed July 1, 2012.

12 Sec. 137. NEW SECTION. **426B.6 Future repeal.**

13 This chapter is repealed July 1, 2012.

14 Sec. 138. 2010 Iowa Acts, chapter 1193, section 1, is
15 amended to read as follows:

16 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING

17 — FY 2011-2012. Notwithstanding section 331.439, subsection

18 3, the allowed growth factor adjustment for county mental
19 health, mental retardation, and developmental disabilities

20 service expenditures for the fiscal year beginning July
21 1, 2011, shall be established by statute which shall be

22 enacted within thirty calendar days of the ~~convening of the~~

23 ~~Eighty-fourth General Assembly, 2011 Session, on January~~

24 ~~10, 2011~~ date the governor's recommendation is submitted

25 to the general assembly. The governor shall submit to the

26 general assembly a recommendation for such allowed growth

27 factor adjustment and the amounts of related appropriations

28 to the general assembly on or before January ~~11~~ 27, 2011.

29 The governor's recommendation and the allowed growth factor

30 adjustment enacted by the general assembly pursuant to this

31 section shall incorporate measures to ensure that the funding

32 appropriated during the 2011 legislative session to the risk

33 pool in the property tax relief fund to eliminate county

34 waiting lists for services can be relied upon to remain

35 available for the long term to support the services provided

1 for the individuals who were removed from a waiting list.

2 Sec. 139. CONFORMING PROVISIONS. The legislative services
3 agency shall prepare a study bill for consideration by the
4 committees on human resources of the senate and house of
5 representatives for the 2012 legislative session, providing
6 conforming Code changes for implementation of the repeal
7 provisions contained in this division of this Act.

8 Sec. 140. EFFECTIVE UPON ENACTMENT. This division of this
9 Act, being deemed of immediate importance, takes effect upon
10 enactment.

11 Sec. 141. RETROACTIVE APPLICABILITY. The provision
12 amending 2010 Iowa Acts, chapter 1193, section 1, applies
13 retroactively to April 29, 2010.

14 DIVISION XIV

15 CORRECTIVE PROVISIONS

16 EARLY CHILDHOOD IOWA INITIATIVE

17 Sec. 142. 2010 Iowa Acts, chapter 1031, section 310, is
18 amended by adding the following new subsection:

19 5. a. References to community empowerment areas in 2010
20 Iowa Acts, shall be deemed to instead refer to early childhood
21 Iowa areas, including but not limited to such references made
22 in the following provisions:

23 (1) 2010 Iowa Acts, chapter 1183, section 6, subsection 10,
24 paragraph "c".

25 (2) 2010 Iowa Acts, chapter 1192, section 2, subsection 4,
26 paragraph "a".

27 (3) 2010 Iowa Acts, chapter 1192, section 6, subsection 12.

28 b. References to the Iowa empowerment fund and the school
29 ready children grants account in 2010 Iowa Acts, shall be
30 deemed to instead refer to the early childhood Iowa fund
31 and the comparable account within that fund, including
32 but not limited to such references made in the following
33 provisions: 2010 Iowa Acts, chapter 1183, section 6,
34 subsections 10, 11, and 12.

35 UNEMPLOYMENT COMPENSATION PROGRAM REFERENCE

1 Sec. 143. 2010 Iowa Acts, chapter 1188, section 22, is
2 amended to read as follows:

3 SEC. 22. UNEMPLOYMENT COMPENSATION
4 PROGRAM. Notwithstanding section 96.9, subsection 4, paragraph
5 "a", moneys credited to the state by the secretary of the
6 treasury of the United States pursuant to section 903 of the
7 Social Security Act are appropriated to the department of
8 workforce development and shall be used by the department for
9 the administration of the unemployment compensation program
10 only. This appropriation shall not apply to any fiscal year
11 beginning after December 31, ~~2009~~ 2010.

12 TERRACE HILL — DEPARTMENT OF ADMINISTRATIVE SERVICES

13 Sec. 144. 2010 Iowa Acts, chapter 1193, section 199, is
14 amended to read as follows:

15 SEC. 199. TERRACE HILL — GENERAL FUND — DEPARTMENT OF
16 ADMINISTRATIVE SERVICES. There is appropriated from the
17 general fund of the state to the department of administrative
18 services for the fiscal year beginning July 1, ~~2009~~ 2010,
19 and ending June 30, ~~2010~~ 2011, the following amount, or so
20 much thereof as is necessary, to be used for the purposes
21 designated:

22 For salaries, support, maintenance, and miscellaneous
23 purposes necessary for the operation of Terrace Hill, and for
24 not more than the following full-time equivalent positions:
25 \$ 263,329
26 FTEs 6.38

27 Sec. 145. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
28 APPLICABILITY. This division of this Act, being deemed
29 of immediate importance, takes effect upon enactment. The
30 provision amending 2010 Iowa Acts, chapter 1193, section 199,
31 applies retroactively to April 29, 2010, and the remaining
32 provisions apply retroactively to July 1, 2010.

33 DIVISION XV

34 GOVERNMENT EFFICIENCY MEASURES

35 Sec. 146. PRESCRIPTION DRUG PURCHASING. The standing

1 committees on human resources of the senate and house of
 2 representatives and the joint appropriations subcommittee
 3 on health and human services shall consult with appropriate
 4 parties in developing a plan to achieve significant costs
 5 savings by implementing a sole source contract or other means
 6 of consolidating pharmacy services and prescription drug
 7 purchasing for state employees, Medicaid program recipients,
 8 patients at state institutions, inmates at correctional
 9 facilities, and other persons for whom the state pays a
 10 significant portion of prescription drug costs. The plan
 11 shall be submitted in the form of proposed legislation for
 12 consideration by the Eighty-fourth General Assembly, 2011
 13 Session.

14 Sec. 147. Section 8.51, Code 2011, is amended to read as
 15 follows:

16 **8.51 ~~Fiscal year of political~~ Political subdivisions —**
 17 **fiscal year — unexpended funds.**

18 1. The fiscal year of cities, counties, and other political
 19 subdivisions of the state shall begin July 1 and end the
 20 following June 30. For the purpose of this section, the term
 21 political subdivision includes school districts.

22 2. Each department that provides state funding to a
 23 political subdivision of the state shall annually review
 24 the statutory and regulatory requirements applicable to
 25 the political subdivision's receipt of the funding. The
 26 purpose of the review is to identify any barrier in statute
 27 or departmental rule or policy that would prevent recovery of
 28 any such state funding provided to a political subdivision
 29 that remains unencumbered or unobligated and the political
 30 subdivision no longer complies with requirements to receive
 31 the state funding. If an identified barrier exists in state
 32 law, the department shall propose legislation to the governor
 33 and general assembly to remove the barrier. If an identified
 34 barrier is in departmental rule or policy, the department shall
 35 amend the rule or policy to remove the barrier.

1 Sec. 148. Section 8.57C, subsection 3, paragraph a, Code
2 2011, is amended to read as follows:

3 a. There is appropriated from the general fund of the state
4 for the fiscal years beginning July 1, 2006, July 1, 2007, July
5 1, ~~2011~~ 2012, and for each subsequent fiscal year thereafter,
6 the sum of seventeen million five hundred thousand dollars to
7 the technology reinvestment fund.

8 POOLED TECHNOLOGY — FY 2010-2011

9 Sec. 149. 2010 Iowa Acts, chapter 1184, section 4,
10 subsections 1 and 5, are amended to read as follows:

11 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

12 For technology improvement projects:

13 \$ ~~3,793,654~~
14 0

15 5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

16 For replacement of equipment for the Iowa communications
17 network:

18 \$ ~~2,244,956~~
19 0

20 The commission may continue to enter into contracts pursuant
21 to section 8D.13 for the replacement of equipment and for
22 operations and maintenance costs of the network.

23 In addition to moneys appropriated in this subsection,
24 the commission may use a financing agreement entered into by
25 the treasurer of state in accordance with section 12.28 for
26 the replacement of equipment for the network. For purposes
27 of this subsection, the treasurer of state is not subject to
28 the maximum principal limitation contained in section 12.28,
29 subsection 6. Repayment of any amounts financed shall be made
30 from receipts associated with fees charged for use of the
31 network.

32 TECHNOLOGY REINVESTMENT FUND — EDUCATIONAL DATA WAREHOUSE

33 Sec. 150. 2010 Iowa Acts, chapter 1184, section 4,
34 subsection 3, paragraph b, is amended to read as follows:

35 b. For the implementation of an educational data warehouse

1 that will be utilized by teachers, parents, school district
2 administrators, area education agency staff, department of
3 education staff, and policymakers:

4 \$ ~~600,000~~
5 67,593

6 The department may use a portion of the moneys appropriated
7 in this lettered paragraph for an e-transcript data system
8 capable of tracking students throughout their education via
9 interconnectivity with multiple schools.

10 Sec. 151. EFFECTIVE UPON ENACTMENT. This division of this
11 Act, being deemed of immediate importance, takes effect upon
12 enactment.